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Paper No. 7

SMITH & HOPEN PA
15950 BAY VISTA DRIVE
SUITE 220
CLEARWATER FL 33760

(Petitioner)

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FEB 17 2004

OFFICE OF PETITIONS

In re Application of
MOREJON, ISRAEL, et al.
Application No. 60/319,671
Filed: November 6, 2002
Attorney Docket No. 1413.06

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: Decision Granting Petition
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This is a decision on a request for reconsideration filed September 10, 2003, and supplemented on January 27, 2004, of a decision dismissing a petition for suspension of the 37 CFR 1.84(a)(2) under 37 CFR 1.183 mailed April 9, 2003.

The petition is **GRANTED**.

The request for reconsideration states that Justice requires a waiver of the rules. This is interpreted to mean that since the filing date of a patent application is very critical and not according a filing date could result in loss of patent rights; the situation in this application is deemed to be an extraordinary situation where justice requires waiver of the rules.

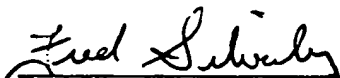
The request for reconsideration included a paper copy of the application as required by paper no. 4. The request states the steps that were taken to print the copy of the application that was submitted and the supplemental response filed January 27, 2004, states the drawings submitted with the present request on September 10, 2003 are identical to the electronic versions submitted in the original EFS filing. Michael Lewis of this office similarly, reviewed the drawings and electronic filing to verify the latter statement.

Since the paper drawings are identical to the electronic submission and justice requires their acceptance the petition to waive the rules is **GRANTED**.

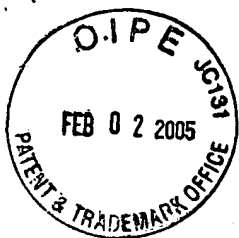
In view of the above, the application is entitled to a filing date of November 6, 2002.

The instant application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of November 6, 2002, using the application papers filed November 6, 2002, and application pages numbered 8 to 21 of drawings filed September 10, 2003, and an indication on the bibliographic data sheet that 14 pages of drawing were present on filing.

Telephone inquiries concerning this decision should be directed to Michael L. Lewis at (703) 306-5585.


Fred Silverberg
Senior Legal Advisor
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